

**MEMO ENDORSED**

**THE MARKS LAW FIRM, P.C.**

Application **DENIED**. On December 11, 2023, counsel for both Defendants filed a notice of appearance. The date of the initial pretrial conference and deadline to submit the joint status letter and proposed case management plan remain the same. So Ordered.

**FILED VIA ECF**

Hon. Dale E. Ho  
United States District Judge  
Southern District of New York  
40 Foley Square, Courtroom 905  
New York, NY 10007

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 9.



Dale E. Ho  
United States District Judge  
Dated: December 12, 2023  
New York, New York

RE: Vernita Worrell v. 115 Restaurant Corp., et al.  
Index: 1:23-cv-09335-DEH

Dear Judge Ho,

Plaintiff respectfully requests a forty-five (45) day adjournment of the Initial Pretrial Conference from January 3, 2024 to February 17, 2024 and a forty-five (45) day extension of the deadline to submit a proposed Case Management Plan and Joint Letter from December 20, 2023 to February 2, 2024, in accordance with Your Honor's October 24, 2023 Notice of Initial Pretrial Conference [Dkt. 5].

The reason for this request, is that, to date, Defendants have not appeared, answered, moved, or otherwise contacted Plaintiff, despite Plaintiff's attempts in contacting Defendants via mail, telephone and email. As to Defendant, 115 Restaurant Corp., our office has called the premises directly and have also emailed them in order to inform them of this action and of the Court's deadlines in hopes to have them appear. As to the landlord Defendant, AH FDB LLC, after due diligence, our office emailed some of the previous attorneys for the Defendant (on other non-related matters found through a NYSCEF search) to see if they could put in communication with the Defendant but are still waiting to hear back from these attorneys and are diligently following up with them. Furthermore, in light of the upcoming holiday schedule, it has been difficult to get in contact with both Defendants and thus, this process has been severely delayed. As such, the requested adjournment would allow our office to continue making attempts to communicate with both Defendants in order to have them appear in this action prior to the Initial Conference. This is the first request of its kind.

We thank you and the Court for its time and consideration on this matter.

Respectfully Submitted,

The Marks Law Firm, P.C.

By:



Bradly G. Marks